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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-MERCER COUNTY
DOCKET NO.

Civil Action

IN THE MATTER OF THE APPLICATION)	
OF ZULIMA V. FARBER, in Her Dual)	Complaint for
Capacity As the Chief Law Enforcement)	Declaratory Judgment
Officer and Chief Election Official)	
of the State of New Jersey,)	
FOR A DECLARATORY JUDGMENT REGARDING)	
REDISTRICTING PURSUANT TO)	
<u>N.J.S.A.</u> 19:4-13)	

NATURE OF ACTION

1. This action is brought pursuant to the Uniform Declaratory Judgments Act, N.J.S.A. 2A:16-50, et seq. Specifically, the Attorney General, petitioner in this action, seeks an Order declaring that the affected county boards of election shall consolidate election districts, where appropriate, after the November 7, 2006 General Election and no later than December 31, 2006, in accordance with N.J.S.A. 19:4-13. Further, petitioner seeks an Order that mandatory redistricting shall not be required for any election districts where redistricting would cause severe voter inconvenience; would result in non-contiguous

districts or cross congressional districts; or where a municipality is comprised of a single district.

PARTIES

2. Plaintiff, Zulima V. Farber, in her official capacity as the Attorney General of New Jersey, is the State's Chief Law Enforcement Officer. The Attorney General is empowered to enforce and interpret the Constitution and laws of this State, and to bring lawsuits which are in the public interest on behalf of the citizens of the State as she deems appropriate. The Attorney General is also the State's Chief Election Official charged with the duty to secure proper administration of all electoral mandates. In that capacity, the Attorney General serves as counsel to the State's ten county superintendents of elections and the 21 county boards of election to ensure consistency and uniformity in the application of laws relating to the electoral process. Judicial resolution of the current controversy is in the public interest to assure the orderly administration of the State's electoral structure and the preservation of its integrity.

3. Defendant Republican State Committee is an organization representing the interests of the Republican Party, one of the two certified political parties in the State. N.J.S.A. 19:1-1. It has clearly indicated an intention to compel immediate compliance with the redistricting statutes, notwithstanding that the statutory deadline has passed and, in some instances, there are

concerns regarding voter convenience and compliance with other statutory requirements.

4. Defendant Democratic State Committee is an organization which represents the interests of the Democratic Party, one of the two recognized political parties in the State. N.J.S.A. 19:1-1.

STATUTORY FRAMEWORK

5. Pursuant to Title 19, Election Laws of New Jersey, each of the 21 county boards of election is responsible for the establishment and maintenance of all election districts within the county.

6. An election district is a designated geographic area within which the voters residing therein vote in the same polling place. N.J.S.A. 19:1-1.

7. An election district is also a political unit for purposes of the election of the county committee members for the two certified political parties, which are voted upon at a primary election. N.J.S.A. 19:5-1.

8. The filing deadline for the nomination petitions for the June 6, 2006, Primary Election was April 10, 2006. N.J.S.A. 19:23-14.

9. N.J.S.A. 19:4-10 sets forth the criteria for an election district as follows: "As nearly as practicable," each election district must be comprised of compact and contiguous areas

and shall be wholly contained within only one ward, one municipality, one county freeholder district, one State legislative district and only one Congressional district.

10. N.J.S.A. 19:4-13 provides that there shall be an adjustment of an election district if, in two consecutive general elections, fewer than 250 votes or more than 750 votes were cast.

11. The law further provides that a county board may readjust an election district if it determines that there is serious voter inconvenience with an existing district. N.J.S.A. 19:4-14.

12. N.J.S.A. 19:4-15 prohibits any redistricting after the 75th day before a primary election, which for this year was March 23, 2006, 75 days before the June 6, 2006 Primary Election.

FACTUAL ALLEGATIONS

13. On or about March 6, 2006, the Attorney General received a letter from the Republican State Committee ("RSC") alleging that its review of county voting records indicated that specific election districts should be consolidated pursuant to N.J.S.A. 19:4-13.

14. The Attorney General immediately initiated an investigation to determine the accuracy of the RSC's allegations.

15. The RSC identified no districts in Hunterdon, Salem and Warren Counties as requiring redistricting pursuant to N.J.S.A. 19:4-13.

16. Upon information and belief, the following counties cited by the RSC completed redistricting before the statutory deadline: Mercer, Ocean and Sussex.

17. In Atlantic County, there are 158 election districts. Upon information and belief, the Atlantic County Board of Election reviewed its records and identified five election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

18. Upon information and belief, the Atlantic County Board of Election did not redistrict Atlantic City Ward 2, District 4 and Hammonton District 4 because doing so would cause voter inconvenience, contrary to N.J.S.A. 19:4-14.

19. Upon information and belief, the Atlantic County Board of Election did not redistrict Atlantic City Ward 5, District 5 and Egg Harbor Township District 13 because they are not contiguous with any other districts within their wards, and doing so would be contrary to N.J.S.A. 19:4-10.

20. Upon information and belief the Atlantic County Board of Election did not redistrict Corbin City District 1 because it is a single district municipality and cannot be consolidated or eliminated pursuant to N.J.S.A. 19:4-10.

21. In Bergen County, there are 557 election districts. Upon information and belief, there are eight election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

22. Upon information and belief, the Bergen County Board of Election did not redistrict Teterboro District 1 and Rockleigh District 1 because they are single election district municipalities and cannot be consolidated or eliminated pursuant to N.J.S.A. 19:4-10.

23. Upon information and belief, the Bergen County Board of Election did not redistrict Fairview District 6 because it was established for senior housing pursuant to court order.

24. The following districts in Bergen County require redistricting pursuant to N.J.S.A. 19:4-13; however, the statutory deadline for redistricting has passed: Fort Lee District 1; Moonachie District 1; North Arlington District 9; North Arlington District 10; and, Palisades Park District 5.

25. Redistricting the districts set forth in paragraph 24 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

26. In Burlington County, there are 359 election districts. Upon information and belief, there are twenty-one election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

27. The following districts in Burlington County require redistricting pursuant to N.J.S.A. 19:4-13; however, the statutory

deadline for redistricting has passed: Burlington City Ward 1, District 2; Burlington City Ward 1, District 3; Cinnaminson Township District 3; Cinnaminson Township District 8; Cinnaminson Township District 19; Delanco District 5; Delran Ward 1, District 5; Delran Ward 2, District 1; Delran Ward 2, District 5; Delran Ward 3, District 3; Hainsport District 4; Mount Holly District 5; Mount Holly District 6; Mount Holly District 7; Riverside Township District 2; Riverside Township District 6; Willingboro Township District 11; Willingboro Township District 22; Willingboro Township District 31; Wrightstown Boro District 1; and, Wrightstown Boro District 2.

28. Redistricting the districts set forth in paragraph 27 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

29. In Camden County, there are 331 election districts. Upon information and belief, there are five election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

30. Upon information and belief, the Camden County Board of Election did not redistrict Tavistock District 1 and Pine Valley District 1 because they are single district municipalities and cannot be consolidated or eliminated pursuant to N.J.S.A. 19:4-10.

31. Upon information and belief, the Camden County Board of Election did not redistrict Camden City Ward 1, District 6; Camden City Ward 2, District 11; and Camden City Ward 3, District 9 because they are in the City of Camden, and consolidation would result in severe voter inconvenience and substantially impede access to the polls for elderly and disabled voters, pursuant to N.J.S.A. 19:4-14.

32. In Cape May County, there are 131 election districts. Upon information and belief, there are nineteen election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

33. Upon information and belief, the Cape May County Board of Election did not redistrict five districts because they are situated on islands, and consolidation would cause severe voter inconvenience pursuant to N.J.S.A. 19:4-14.

34. The following districts in Cape May County require redistricting pursuant to N.J.S.A. 19:4-13; however, the statutory deadline for redistricting has passed: Cape May District 2; Cape May District 4; Cape May Point District 1; Lower Township Ward 2, District 9; Lower Township Ward 3, District 6; North Wildwood Ward 1, District 4; North Wildwood Ward 2, District 3; Ocean City Ward 2, District 5; Ocean City Ward 3, District 2; Upper Township District 11; Wildwood Ward 1, District 1; Wildwood Ward 1, District 2; Wildwood Ward 1, District 3; Wildwood Ward 2, District 1;

Wildwood Ward 2, District 2; Wildwood Ward 2, District 3; Wildwood Ward 3, District 1; Wildwood Ward 3, District 2; and, Wildwood Ward 3, District 3.

35. Redistricting the districts set forth in paragraph 34 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

36. In Cumberland County, there are 93 election districts. Upon information and belief, there are currently two election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

37. Upon information and belief, the Cumberland County Board did not redistrict Downe Township District 2 because consolidation would result in severe voter inconvenience in a town with a radius of 52 miles pursuant to N.J.S.A. 19:4-14.

38. The following district in Cumberland County requires redistricting pursuant to N.J.S.A. 19:3-14; however the statutory deadline for redistricting has passed: Bridgeton Ward 1, District 1.

39. Redistricting the district set forth in paragraph 38 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and

may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

40. In Essex County, there are 567 election districts. Upon information and belief, there are thirty election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

41. The following districts in Essex County require redistricting pursuant to N.J.S.A. 19:3-14; however, the statutory deadline for redistricting has passed: East Orange Ward 2, District 1; East Orange Ward 2, District 13; East Orange Ward 4, District 3; East Orange Ward 4, District 8; East Orange Ward 4, District 9; East Orange Ward 4, District 12; East Orange Ward 5, District 4; East Orange Ward 5, District 11; Irvington Ward 4, District 10; Millburn District 17; Montclair Ward 3, District 10; Newark Ward 1, District 12; Newark S Ward, District 26; Newark E Ward, District 12; Newark E Ward, District 25; Newark E Ward, District 28; Newark E Ward, District 29; Newark W Ward, District 3; Newark W Ward, District 11; Newark W Ward, District 16; Newark W Ward, District 47; Newark C Ward, District 4; Newark C Ward, District 8; Newark C Ward, District 44; Newark C Ward, District 45; Orange Ward 3, District 3; South Orange District 5; West Orange Ward 1, District 5; and, West Orange Ward 3, District 1.

42. Redistricting the districts set forth in paragraph 41 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and

may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

43. In Gloucester County, there are 239 election districts. Upon information and belief, there are currently seventeen election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

44. The following districts in Gloucester County require redistricting pursuant to N.J.S.A. 19:3-14; however, the statutory deadline for redistricting has passed: Deptford District 1; Deptford District 18; Glassboro District 5; Glassboro District 10; Glassboro District 13; Glassboro District 14; Logan District 1; Monroe District 3, Newfield District 1; Paulsboro District 2; Paulsboro District 3; Paulsboro District 4; Paulsboro District 5; Paulsboro District 7; Washington District 36; West Deptford District 15; and, Woodbury Ward 1, District 1.

45. Redistricting the districts set forth in paragraph 44 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

46. In Hudson County, there are 452 election districts. Upon information and belief, there are currently fifty-one election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

47. Upon information and belief, the Hudson County Board of Election did not redistrict Bayonne Ward 3, District 13; Jersey City Ward B, District 34; Jersey City Ward C, District 29; Jersey City Ward F, District 32 because consolidation would cross congressional lines, contrary to N.J.S.A. 19:4-10.

48. The following districts in Hudson County require redistricting pursuant to N.J.S.A. 19:3-14; however, the statutory deadline for redistricting has passed: East Newark Ward 1, District 1; East Newark Ward 1, District 2; Harrison Ward 1, District 2; Harrison Ward 1, District 3; Harrison Ward 2, District 2; Harrison Ward 2, District 3; Harrison Ward 4, District 3; Jersey City Ward A, District 8; Jersey City Ward A, District 25; Jersey City Ward B, District 11; Jersey City Ward B, District 12; Jersey City Ward B, District 13; Jersey City Ward B, District 14; Jersey City Ward B, District 15; Jersey City Ward B, District 16; Jersey City Ward B, District 20; Jersey City Ward B, District 21; Jersey City Ward B, District 22; Jersey City Ward B, District 24; Jersey City Ward B, District 27; Jersey City Ward C, District 4; Jersey City Ward C, District 6; Jersey City Ward C, District 7; Jersey City Ward C, District 10; Jersey City Ward C, District 11; Jersey City Ward C, District 21; Jersey City Ward C, District 30; Jersey City Ward D, District 1; Jersey City Ward D, District 6; Jersey City Ward D, District 29; Jersey City Ward E, District 20; Jersey City Ward E, District 23; Jersey City Ward F, District 4; Jersey

City Ward F, District 6; Jersey City Ward F, District 8; Jersey City Ward F, District 14; Jersey City Ward F, District 26; Jersey City Ward F, District 30; Jersey City Ward F, District 33; Kearny Ward 1, District 1; Kearny Ward 1, District 7; North Bergen Ward 2, District 4; North Bergen Ward 2, District 6; North Bergen Ward 2, District 33; North Bergen Ward 4, District 33; Secaucus Ward 2, District 5; and, West New York Ward 1, District 8.

49. Redistricting the districts set forth in paragraph 48 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

50. In Middlesex County, there are 597 election districts. Upon information and belief, there are currently twenty-six election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

51. The following districts in Middlesex County require redistricting pursuant to N.J.S.A. 19:4-13; however, the statutory deadline for redistricting has passed: Carteret District 8; Carteret District 19; East Brunswick District 3; Edison District 41; Metuchen District 13; New Brunswick Ward 1, District 3; New Brunswick Ward 2, District 3; New Brunswick Ward 3, District 1; New Brunswick Ward 4, District 1; New Brunswick Ward 4, District 2; New Brunswick Ward 4, District 5; New Brunswick Ward 4, District 6;

North Brunswick District 8; North Brunswick District 12; Old Bridge Ward 6, District 3; Perth Amboy Ward 4, District 3; Perth Amboy Ward 4, District 5; Perth Amboy Ward 4, District 7; Perth Amboy Ward 5, District 2; Piscataway Ward 3, District 6; Piscataway Ward 3, District 8; Sayreville District 1; Sayreville District 7; South Amboy Ward 1, District 1; South Amboy Ward 2, District 3; and, South Amboy Ward 2, District 4.

52. Redistricting the districts set forth in paragraph 51 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

53. In Monmouth County, there are 448 election districts. Upon information and belief, there are three election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

54. Upon information and belief, the Monmouth County Board of Election completed all redistricting required by statute with the exception of Loch Arbour District 1 which is a single district municipality and cannot be consolidated pursuant to N.J.S.A. 19:4-10.

55. In Morris County, there are 395 election districts. Upon information and belief, there are three election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

56. Upon information and belief, the Morris County Board of Election did not redistrict the three districts before this year's deadline because of the potential for voter inconvenience contrary to N.J.S.A. 19:4-14. The districts are: Morris Twp. District 15; Mount Olive Twp. District 16; and, Mount Olive Twp. District 22.

57. In Passaic County, there are 288 election districts. Upon information and belief, there are eight districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

58. Upon information and belief, the Passaic County Board of Election completed all redistricting required by statute with the exception of Paterson Ward 3, District 1 which was not redistricted because of the potential for voter inconvenience contrary to N.J.S.A. 19:4-14.

59. In Somerset County, there are 277 election districts. Upon information and belief, there are twenty-two election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

60. The following districts in Somerset County require redistricting pursuant to N.J.S.A. 19:4-13; however, the statutory deadline for redistricting has passed: Bound Brook District 1; Bound Brook District 2; Bound Brook District 3; Bound Brook District 4; Bound Brook District 5; Bound Brook District 7; Branchburg Twp. District 1; Franklin District 15; Franklin District

33; Hillsborough District 19; Hillsborough District 21; Millstone District 1; North Plainfield District 3; North Plainfield District 4; North Plainfield District 6; North Plainfield District 17; North Plainfield District 18; North Plainfield District 20; Raritan Borough District 1; Raritan Borough District 3; Raritan Borough District 4; and, Somerville District 4.

61. Redistricting the districts set forth in paragraph 60 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

62. In Union County, there are 443 election districts. Upon information and belief, there are twenty election districts that were subject to redistricting pursuant to N.J.S.A. 19:4-13.

63. Upon information and belief, the Union County Board of Election did not redistrict Elizabeth Ward 1, District 6; Linden Ward 1, District 4; Linden Ward 7, District 4; Linden Ward 9, District 5 because consolidation would cross congressional lines pursuant to N.J.S.A. 19:4-10.

64. The following districts in Union County require redistricting pursuant to N.J.S.A. 19:4-13; however, the statutory deadline for redistricting has passed: Elizabeth Ward 1, District 9; Elizabeth, Ward 1, District 11; Elizabeth Ward 2, District 7; Elizabeth Ward 1, District 10; Elizabeth Ward 4, District 9;

Elizabeth Ward 4, District 12; Elizabeth Ward 5, District 4; Elizabeth Ward 6, District 5; Elizabeth Ward 6, District 10; Elizabeth Ward 6, District 11; Linden Ward 1, District 2; Linden Ward 9, District 5; Rahway Ward 5, District 1; Rahway Ward 5, District 3; Rahway Ward 5, District 4; Roselle Ward 1, District 3; and, Roselle Ward 5, District 4.

65. Redistricting the districts set forth in paragraph 64 at this time would disrupt the orderly administration of the election in terms of voter assignments for election districts and may call into question nomination petitions that were filed based upon the election districts as of March 23, 2006.

COUNT I

66. Plaintiff repeats the allegations in paragraphs 1 through 65 as if set forth at length herein.

67. As set forth in Paragraphs 18, 31, 37, 56, and 58, above, the redistricting requirement in N.J.S.A. 19:4-13 conflicts with the requirement in N.J.S.A. 19:4-14 in that redistricting would cause severe inconvenience, particularly for the elderly voters and those with physical disabilities, and could result in disenfranchisement because of an inability to get to the new polling place.

WHEREFORE, Plaintiff seeks and Order:

1. Declaring that for the districts identified in paragraphs 18, 31, 37, 56, and 58, above, redistricting is not required; and

2. For such other relief as the Court may deem proper and necessary.

COUNT II

68. Plaintiff repeats the allegations in paragraphs 1 through 67 as if set forth at length herein.

69. As set forth in Paragraphs 19, 33, 47, and 63, above, the redistricting requirement in N.J.S.A. 19:4-13 conflicts with the requirement in N.J.S.A. 19:4-10 in that consolidating would create a non-contiguous district, which could also hamper access to the polls by voters particularly where a body of water divides the district, or cross congressional lines.

WHEREFORE, Plaintiff seeks an Order:

1. Declaring that for the districts identified in paragraphs 16, 33, 47, and 63, above, redistricting is not required; and

2. For such other relief as the Court may deem proper and necessary.

COUNT III

70. Plaintiff repeats the allegations in paragraphs 1 through 69, above, as if set forth at length herein.

71. As set forth in paragraphs 20, 22, 30, and 54, above, the redistricting requirement in N.J.S.A. 19:4-13 conflicts with N.J.S.A. 19:4-10 in that consolidating would violate the statutory requirement that an election district must be wholly contained within one municipality.

WHEREFORE, Plaintiff seeks an Order:

1. Declaring that in the districts identified in paragraphs 20, 22, 30 and 54, above, redistricting is not required; and

2. For such other relief as the Court may deem proper and necessary.

COUNT IV

72. Plaintiff repeats the allegations in paragraphs 1 through 71, above, as if set forth at length herein.

73. As set forth in paragraphs 24, 27, 34, 38, 41, 44, 48, 51, 60, and 64, above, redistricting is required in the districts listed in those paragraphs pursuant to N.J.S.A. 19:4-13; but the statutory deadline has passed, and if redistricting is pursued at this time, it would disrupt the orderly administration of upcoming elections and may call into question nomination petitions that were filed based upon the election districts that existed as of March 23, 2006.

WHEREFORE, Plaintiff seeks an Order:

1. Declaring that redistricting the districts identified in paragraphs 24, 27, 34, 38, 41, 44, 48, 51, 60, and 64, above, shall occur after the November 2006 General Election but no later than December 31, 2006; and

2. For such other relief as the Court may deem proper and necessary.

Count V

74. As set forth in paragraph 23 above, the redistricting requirement in N.J.S.A. 19:4-13 conflicts with the fact that Fairview District 6 in Bergen County cannot be redistricted because it was established for senior housing pursuant to a court order.

WHEREFORE, Plaintiff seeks an Order:

1. Declaring that in Fairview District 6, redistricting is not required; and

2. For such other relief as the Court may deem proper and necessary.

ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY

By: _____
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